1 RECORD OF ORAL HEARING
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3 UNITED STATES PATENT AND TRADEMARK OFFICE
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6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
8 —————————
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10 Ex parte DEAN HILLER
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13 Appeal 2007-3224
14 Application 09/457,420
15 Technology Center 2100
16 —————————
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18 Oral Hearing Held: October 23, 2007
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22 Before KENNETH W. HAIRSTON, LEE E. BARRETT, and
23 ROBERT E. NAPPI, Administrative Patent Judges
24
25 ON BEHALF OF THE APPELLANT:
26
27 SHAWN W. O'DOWD, ESQ.
28 KENYON & KENYON
29 333 W SAN CARLOS STREET
30 SUITE 600
31 SAN JOSE CA 95110
32
33 The above-entitled matter came on for hearing on Tuesday, October

34 23, 2007, commencing at 1:50 p.m., at the U.S. Patent and Trademark

35 Office, 600 Dulany Street, 9th Floor, Alexandria, Virginia, before Dawn A.

36 Brown, Notary Public.

37

1   THE USHER: Calendar Number 16, Mr. O'Dowd.

2   MR. O'DOWD: Good afternoon.

3   JUDGE HAIRSTON: How are you today?

4   MR. O'DOWD: Good, good. Is there a conspiracy? I always seem to

5be last.

6   JUDGE HAIRSTON: Save the best for last.

7   JUDGE NAPPI: Got to hear them all.

8   MR. O'DOWD: That is true.

9   JUDGE HAIRSTON: Gives you more time to prepare.

10   MR. O'DOWD: A little time to stew about things.

11   Thank you for your time today. Just a little background on this

12invention.

13   Prior to its filing date, using a browser, the user will send a string of

14characters indicating a site name, URL, to a domain server, and the server

15will look for the exact, match and if an exact match is found, it will

16potentially send that off to another computer. But in the end, what it is

17looking for is an exact match and IP address.

18   Once the IP address is found, that is sent back to the browser. The

19browser at the user's computer then sends out the URL to the IP address to

20what we can refer to as, you know, a main server, something like first.com.

21And that server will take that address and respond with the requested

22information.

23   So that is leading up to the filing of this application. DNS server

24looking for an exact match, sending back an IP address for facilitating Web

25browsing.

26   The claim requires you retrieve a regular expression at the domain

1name server, and you make a comparison at the domain name server of the

2regular expression with the Internet site name that has been provided to you.

3The benefit of this is that a multitude of site names can be associated with a

4single IP address through the use of the domain name server, a much quicker

5match.

6　　　　The examiner has cited three references against us in a 103 rejection.

7　　　　JUDGE HAIRSTON: Well, you said "associated site names." The

8claim says "similar."

9　　　　MR. O'DOWD: Sorry. Multiple similar site names.

10　　　　JUDGE HAIRSTON: You said "associated." Give me an example of

11something associated.

12　　　　MR. O'DOWD: I'll give you an example of what was intended, and

13that is if the -- what was intended is that you would have a phone number, a

14ten-digit phone number that is assigned to me, and you have a ten-digit

15phone number assigned to you.

16　　　　And so when someone is seeking to access information on me or you,

17they would type in www.ten-digit string of numbers .abbra.com, the

18company, and send that out.

19　　　　The idea here is that abbra.com will be the go-to site for your

20number.abbra.com, my number.abbra.com, and any ten-digit

21number.abbra.com, the domain name server to provide information sent by

22request by the browser.

23　　　　JUDGE BARRETT: Do I send my name?

24　　　　MR. O'DOWD: Your name.

25　　　　JUDGE BARRETT: I send my phone number -- no, I don't send my

26phone number.

1   MR. O'DOWD: If you want to access Mr. Hairston, you type into

2your Web browser www.his ten-digit number.abbra.com and send.

3   The DNS server is going to take that entity and it is going to compare

4it to a regular expression, and because there is a regular expression

5designating abbra.com along with ten digits in front of it, there will be a

6response to you of, this is the website.

7   And you don't normally see it with your Web browser, but the

8response is an IP address. Your Web browser will then send a request to the

9appropriate IP address at abbra.com to provide the requested information.

10   So in the case of Mr. Hairston's phone number, going further with this

11example. Mr. Hairston has a website on abbra.com linked to his phone

12number, that is what is going to come back to you.

13   If there is no phone number, for instance you dial a nonexistent phone

14number, the abbra.com system will receive your request, understand that you

15are not referring to me, and will provide back some information to you.

16You're trying to locate a party at abbra.com. The number you typed in is

17incorrect. How can we help you find this person?

18   JUDGE BARRETT: But the regular expression is still a ten-digit

19phone number.abra.com. Is that the same kind of lookup as a DNS regularly

20does?

21   MR. O'DOWD: The DNS would look for abbra.com. And by you

22adding those numbers in front of you, the DNS will, and systems prior to the

23filing of the application, will return a message indicating there is no such

24site. And so you will get an error message similar to what you get today

25when you type in a website that doesn't have an address.

26   So the examiner has cited three references against us. Farber is the

1 main reference. In particular, she is citing two, Columns 7 and 8, and I don't
2 know if you've had a chance to look at Farber.

3   JUDGE HAIRSTON: We have.

4   MR. O'DOWD: At the top of 7, you have what I would refer to as a
5 prior art, specifically says this is a description or a process where no
6 reflector 108 is installed. So the reflector is the key component of Farber's
7 invention. So to go through steps A1 through A8, and I believe these steps
8 are pretty much in line with what I just described to you as how a DNS
9 lookup works.

10   If there is a match for the URL that has been typed in, then an IP
11 address will be sent back to the browser. The browser will access the origin
12 server that IP address points to, and will download the information from that
13 origin server.

14   As you move down 7, down to system operation, at line 35, you then
15 get into what Farber's invention is. What Farber is saying is, I'm going to
16 insert a reflector that is going to take the place of the origin server.

17   And so in B1, it talks about the request, it could be a request from a
18 browser, the reflector looks up the requested resource in a table called the
19 rule base to determine whether the resource requested is repeatable.

20   And it goes on further to say the rule base --

21   JUDGE HAIRSTON: By repeatable, it could be sent to another
22 repeater? Is that what it means? It means one of the repeaters, A, B or C
23 could handle it if it is repeatable; is that what they mean?

24   MR. O'DOWD: I believe that is correct. But, again, the origin server
25 is what is going to be doing this regular expression comparison. So if you
26 go back to steps A1, A2 and A3, in the operation of the invention, you're

1 going to send out a URL. The URL is going to go to the DNS.

2   The DNS is going to look for an exact match. It is going to find an
3 exact match. It is going to send back to the browser an IP address, and the
4 browser is going to send a get request to the reflector.

5   And the reflector is going to do a regular expression comparison of
6 the URL to a regular expression and will then handle the request in a manner
7 it deems fit as shown in the rest of column 8.

8   So the examiner says that Farber shows retrieving a regular expression
9 stored in a domain name server and performing a comparison of the Internet
10 site and the regular site at the domain name server.

11   User limitations, specifically in Claim 1, and other independent
12 claims, but as you can see from Farber there isn't that retrieving of the
13 regular expression, and there isn't that comparison at the domain name
14 server. Instead, it is done at the origin server.

15   JUDGE BARRETT: Does the name make a difference? The fact that
16 it is a reflector server versus a DNS server?

17   MR. O'DOWD: You know --

18   JUDGE BARRETT: Because it is doing the same function as the --

19   MR. O'DOWD: No. I'll say why. The domain name server is akin to
20 a phonebook. I need to reach you, Mr. Barrett. I'm going to get a phone
21 book and look up and find your name. It is going to come back to me with a
22 number of 202, dot, dot, dot, and I'm going to dial that number. And the
23 system at your end is going to pick up, that is the origin server. That is
24 going to pick up that number.

25   Now, maybe the origin server says that when someone comes in and
26 dials 202, dot, dot, dot, or, you know, Mr. Barrett forwarded that call to Mr.

1 Barrett's cellphone, send him a text message et cetera, et cetera, et cetera,

2 that is all being doing there. We're talking about the phonebook. We're

3 talking about a computer system. We're talking about that first step in the

4 process.

5   The examiner also cited Jerger and Schneider. Now, Jerger, the

6 examiner has taken a position that Jerger makes up for a deficiency in Farber

7 identifying an Internet protocol address for multiple similar site names.

8 Now, Jerger is akin to what we see today, referred to as anti-fishing

9 software.

10   And so Jerger, in Figure 2, provides an element 222, called Internet

11 security manager. And this is the location of the, you know, the material

12 that the examiner has pointed to. It is clearly within the browser as shown in

13 Figure 2.

14   What that is doing is it is going to look at the URL that you're typing

15 in, and it is going to make a decision as to whether that is a valid URL or not

16 at the browser.

17   In fishing context, seek to access a website such as Amazon.com to

18 type in a password and user ID, instead you're being redirected to

19 scandalous-individual.com, who has prepared a log-in screen that looks just

20 like the Amazon.com site to fool you into typing in your user name and

21 password and then start to access the Amazon.com site to start making

22 purchases in your name.

23   How do you prevent that? Systems such as the one in Jerger, it looks

24 at that and says this is the URL you want to go to, this is an appropriate URL

25 for you to go to. We're not going to allow you to send your requests to the

26 DNS server. You never hit it. Stay in the realm of the browser.

1   Schneider, the third reference, is cited for the limited purpose of

2 showing regular expressions such as the specific ones that are cited in the

3 deep-ended claims. But, again, does not show regular expression

4 comparisons at the DNS server.

5   So looking at the examiner's rejection, the factual underpinnings of

6 the rejection is that Farber shows a comparison at the DNS or a treatable or

7 regular expression at the DNS. That is clearly not the case. And since those

8 factual things are incorrect, the reasoning behind the obvious rejection is

9 flawed, and we would submit that the rejection should be reversed by the

10 Court.

11   JUDGE HAIRSTON: Is that it?

12   MR. O'DOWD: That is all I have.

13   JUDGE HAIRSTON: Thank you.

14   (Whereupon, the proceedings at 2:04 p.m. were concluded.)

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